(17)

## HIGH COURT OF CHHATTISGARH AT BILASPUR

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**Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.**

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**M.A. (C) No.1325 of 2007**

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| **Appellant Non-applicant** | Vedram Kolta S/o Chintamani Kolta, aged about 34 years, Occupation-Milkmaid, R/o village-Dumarpali, Post-Kodatarae, Tahsil & District Raigarh (CG) |

**versus**

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| **Respondent Claimant** | Kumari Jyoti Khadiya D/o Manbodh Khadiya, aged about 7-8 years, Occupation-Student, Through Guardian father-Manbodh Khadiya S/o Kaimaru Khadiya, aged about 38-40 years, Occupation-Labour, R/o village Dumarpali, Post-Kodatarae, Tahsil & District Raigarh (CG0 |

**Misc. Appeal under Section 173 of Motor Vehicle Act**

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Present : Shri Santosh K. Tiwari, counsel for the appellant.

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**ORAL ORDER**
**(Passed on 20th November, 2007)**

Heard on admission.

2. The appellant is aggrieved by an award dated 31.08.2007 passed in claims case No.32/2007 by the IVth Additional Claims Tribunal (FTC) (hereinafter referred to as the "M.A.C.T"), Raigarh (CG) whereby compensation of Rs.50,000/- has been awarded in a case of permanent disfigurement of face due to the accident.

3. Learned counsel for the appellant did not dispute the finding recorded by the M.A.C.T. that the accident was caused due to the rash and negligent driving by the appellant which resulted in the injuries to the neck and face of Ku. Jyoti Khadiya, aged about 7-8 years.

4. Learned counsel for the appellant has assailed the impugned award only on the ground that since no medical evidence was adduced by the claimant, the fact of permanent disfigurement of the

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face of the girl due to the accident was not established and therefore, the compensation awarded by the M.A.C.T. is on the higher side.

5. Having considered the submissions made by the learned counsel for the appellant, I have perused the impugned award. It is true that the respondent/claimant did not lead medical evidence to prove the fact of permanent disfigurement of the face but the Court, after seeing the injured Jyoti Khadiya, aged about 7-8 years, recorded that she had a scar mark from the forehead to the throat via lips and has further made an observation that this injury has resulted in permanent disfigurement of face. This observation has been made by the M.A.C.T after seeing the claimant in Court and cannot be faulted with. The compensation awarded by the M.A.C.T is just and reasonable and no ground for reduction is made out.

6. Accordingly, the appeal being devoid of any merit is dismissed, at the stage of admission.

7. In view of the above, I.A. No.1 for ad-interim relief stands disposed of.

**Sd/-**
**Dilip Raosaheb Deshmukh**
**Judge**

Priya